

Last Revised 8/1/15

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

IN RE:

Ortiz, Wilson

Debtor(s)

Case No. 16-15874 JKS

Judge: Sherwood

Chapter 13

**CHAPTER 13 PLAN AND MOTIONS**

☐ Original ☒ Modified/Notice Required ☒ Discharge Sought  
☐ Motions Included ☐ Modified/No Notice Required ☐ No Discharge Sought

Date: **August 18, 2016**

THE DEBTOR HAS FILED FOR RELIEF UNDER  
CHAPTER 13 OF THE BANKRUPTCY CODE

**YOUR RIGHTS WILL BE AFFECTED**

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED  
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN  
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

**Part 1: Payment and Length of Plan**

- a. The debtor shall pay \$ 250.00 per month to the Chapter 13 Trustee, starting on April 1, 2016 for approximately 36 months.
- b. The Debtor shall make plan payments to the Trustee from the following sources:  
☒ Future Earnings  
☐ Other sources of funding (describe source, amount and date when funds are available):
- c. Use of real property to satisfy plan obligations:  
☐ Sale of real property  
Description:  
Proposed date for completion: \_\_\_\_\_  
☐ Refinance of real property  
Description:  
☐ Loan modification with respect to mortgage encumbering property  
Description:  
Proposed date for completion: \_\_\_\_\_
- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.
- e. ☐ Other information that may be important relating to the payment and length of plan:

**Part 2: Adequate Protection**

a. Adequate protection payments will be made in the amount of \$ **None** to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to \_\_\_\_\_ (creditor).

b. Adequate protection payments will be made in the amount of \$ **2,505.00** to be paid directly by the debtor(s) outside the Plan, pre-confirmation to **America's Servicing Company, servicer for Deutsche Bank, NA, as Trustee** \_\_\_\_\_ (creditor).

### Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
<b>None</b>		

### Part 4: Secured Claims

#### a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
<b>Deutsche Bank, National</b>	<b>First Mortgage 94 Howe Ave, Passaic, NJ</b>	<b>360,297.92</b>	<b>0</b>	<b>0</b>	<b>2505.</b>

#### b. Modification

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid
<b>None</b>							

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

#### c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
<b>Deutsche Bank, National</b>	<b>First Mortgage 94 Howe Ave, Passaic, NJ</b>	<b>145,000.00</b>	<b>Surrendered in full satisfaction of</b>

			claim
Anson Street, LLC c/o Shellpoint Mortgage Servicing	Second Mortgage 94 Howe Ave, Passaic, NJ	145,000.00	Surrendered in full satisfaction of claim

**d. Secured Claims Unaffected by the Plan**

The following secured claims are unaffected by the Plan:  
None

**e. Secured Claims to Be Paid in Full Through the Plan**

Creditor	Collateral	Total Amount to be Paid through the Plan
None		

**Part 5: Unsecured Claims**

**a. Not separately classified** allowed non-priority unsecured claims shall be paid:

Not less than \$ \_\_\_\_\_ to be distributed *pro rata*  
 Not less than \_\_\_\_\_ percent  
☒ *Pro Rata* distribution from any remaining funds

**b. Separately Classified Unsecured Claims** shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
None			

**Part 6: Executory Contracts and Unexpired Leases**

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor
None		

**Part 7: Motions**

**NOTE:** All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service* must be filed with the Clerk of Court when the plan and transmittal notice are served.

**a. Motion to Avoid Liens under 11 U.S.C. Section 522(f).**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
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None							
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**b. Motion to Void Liens and Reclassify Claim from Secured to Completely Unsecured.**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
None		

**c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
None			

**Part 8: Other Plan Provisions**

**a. Vesting of Property of the Estate**

☒ Upon Confirmation  
☐ Upon Discharge

**b. Payment Notices**

Creditors and Lessors provided for in Sections 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

**c. Order of Distribution**

The Trustee shall pay allowed claims in the following order:

- 1) Trustee Commissions
- 2) Other Administrative Claims
- 3) General Unsecured Claims

**d. Post-petition claims** The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

**Part 9: Modification**

If this plan modifies a plan previously filed in this case, complete the information below.

**Date of Plan being modified:** August 18, 2016

Explain below <b>why</b> the Plan is being modified.	Explain below <b>how</b> the Plan is being modified.
To add 2nd mortgagee to surrender section	See 4(c)

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☒ No

**Part 10: Sign Here**

The Debtor(s) and the attorney for the Debtor (if any) must sign this Plan

Date: December 9, 2016

/s/ Ronald L. Levine

Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: December 9, 2016

/s/ Wilson Ortiz

Debtor

Joint Debtor

**Certificate of Notice Page 6 of 7**  
 United States Bankruptcy Court  
 District of New Jersey

In re:  
 Wilson Ortiz  
 Debtor

Case No. 16-15874-JKS  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-2

User: admin  
 Form ID: pdf901

Page 1 of 2  
 Total Noticed: 35

Date Rcvd: Dec 29, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 31, 2016.

db	+Wilson Ortiz, 94 Howe Avenue, Apt 2, Passaic, NJ 07055-4012
cr	+DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE F, Phelan Hallinan & Schmieg, PC, 400 Fellowship Road, Suite 100, Mt. Laurel, NJ 08054-3437
516087122	+AT&T Mobility, c/o EOS CCA, 700 Longwater Dr., Norwell, MA 02061-1624
516086423	+Americas Servicing Company, POB 14591, Des Moines, IA 50306-3591
516283837	+Anson Street, LLC, POB 10826, Greenville, SC 29603-0826
516168832	Anson Street, LLC, c/o Shellpoint Mortgage Servicing, PO Box 10826, Greenville, SC 29603-0826
516087141	+Black Stone Realty Holdings LLC, 41-51 Wilson Ave., Suite C2A, Newark, NJ 07105-3297
516319062	DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE F, Default Document Processing, N9286-01Y, 1000 Blue Gentian Road, Eagan, MN 55121-7700
516086424	+Deutsche Bank National, Attn: Phelan, Hallinan, Diamond & P.C., 400 Fellowship Road #100, Mount Laurel, NJ 08054-3437
516087125	+Dish Network, c/o Convergent Outsourcing Inc., P.O. Box 9004, Renton, WA 98057-9004
516087126	Express, c/o Comenity, P.O. Box 659728, San Antonio, TX 78265-9728
516087127	+Ginny's, P.O. Box 2825, Monroe, WI 53566-8025
516162965	+HSBC Bank USA, 1800 Tysons Blvd., Suite 50, McLean, VA 22102-4267
516087128	+LVNV Funding LLC, c/o J.C. Christensen & Associates, P.O. Box 519, Sauk Rapids, MN 56379-0519
516087129	Masseys, P.O. Box 2822, Monroe, WI 53566-8022
516087132	Optimum, c/o Sunrise Credit Services Inc., P.O. Box 9100, Farmingdale, NY 11735-9100
516162964	+PSE&G, POB 14444, New Brunswick, NJ 08906-4444
516162962	+Passaic County Board of Taxation, 435 Hamburg Turnpike, Wayne, NJ 07470-2067
516086425	+Phelan Hallinan Diamond & Jones, P.C., 400 Fellowship Road, Suite 100, Mt. Laurel, NJ 08054-3437
516087133	Pier I Imports, c/o Comenity, P.O. Box 659617, San Antonio, TX 78265-9617
516087134	Progressive Inc., c/o AFNI Inc., P.O. Box 3068, Bloomington, IL 61702-3068
516087136	Synchrony Bank, c/o Central Credit Services LLC, 20 Corporate Hills Dr., Saint Charles, MO 63301-3749
516087137	+Synchrony Bank (GAP), P.O. Box 105972, Atlanta, GA 30348-5972
516087138	+The Progressive Corporation, 6300 Wilson Mills Rd., Mayfield Village, OH 44143-2182
516087140	US Asset Management Inc., c/o EOS CCA, P.O. Box 981008, Boston, MA 02298-1008

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg	E-mail/Text: usanj.njbankr@usdoj.gov Dec 29 2016 22:19:47 U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
smg	+E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Dec 29 2016 22:19:45 United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235
516087123	+E-mail/Text: bkcy@creditmtg.com Dec 29 2016 22:19:41 Commerce Energy, c/o Credit Management Control, P.O. Box 1654, Green Bay, WI 54305-1654
516087124	E-mail/Text: creditonebknotifications@resurgent.com Dec 29 2016 22:19:08 Credit One Bank, P.O. Box 60500, City of Industry, CA 91716-0500
516087130	+E-mail/Text: bankruptcydpt@mcsmcg.com Dec 29 2016 22:19:44 Midland Funding LLC, 8875 Aero Dr., Suite 200, San Diego, CA 92123-2255
516087131	+E-mail/PDF: bankruptcy@ncfsi.com Dec 29 2016 22:16:03 New Century Financial Services, 110 So. Jefferson Rd., Suite 104, Whippany, NJ 07981-1038
516122177	E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Dec 29 2016 22:38:18 Portfolio Recovery Associates, LLC, c/o General Motors, POB 41067, Norfolk VA 23541
516162963	+E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Dec 29 2016 22:22:06 Portfolio Recovery Associates, 120 Corporate Blvd, Suite 100, Norfolk, VA 23502-4952
516087135	E-mail/Text: appebnmailbox@sprint.com Dec 29 2016 22:19:42 Sprint, 6200 Sprint Pkwy., Overland Park, KS 66251
516087139	E-mail/PDF: pa_dc_claims@navient.com Dec 29 2016 22:16:02 U.S. Dept. of Education, c/o Navient, P.O. Box 9635, Wilkes Barre, PA 18773-9635

TOTAL: 10

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

District/off: 0312-2

User: admin  
Form ID: pdf901

Page 2 of 2  
Total Noticed: 35

Date Rcvd: Dec 29, 2016

\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Dec 31, 2016

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 29, 2016 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor Anson Street LLC dcarlon@kmlawgroup.com,  
bkgroup@kmlawgroup.com  
John Philip Schneider on behalf of Creditor DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE  
FOR HSI ASSET SECURITIZATION CORPORATION TRUST 2006-HE2, MORTGAGE PASS-THROUGH CERTIFICATES,  
SERIES 2006-HE2 nj.bkecf@fedphe.com  
Marie-Ann Greenberg magecf@magtrustee.com  
Robert Wachtel on behalf of Debtor Wilson Ortiz rwachtel@ronlevinelaw.com  
Ronald I. LeVine on behalf of Debtor Wilson Ortiz ronlevinelawfirm@gmail.com

TOTAL: 5